

CONVEYING CERTAIN LAND TO TWENTYNINE PALMS PARK AND RECREATION DISTRICT

SEPTEMBER 29, 1971.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BARING, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 9346]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 9346) to convey certain federally owned land to the Twentynine Palms Park and Recreation District, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 5, strike out "District:" and insert: "District, subject to the provisions of section 2:" and on page 2, after line 3, add a new section 2:

"SEC. 2. The land conveyed by this Act shall be used only as an Indian cemetery and a historical museum site for the interest of the general public, and title to the land shall revert to the United States if the land is used for any other purpose."

PURPOSE

The purpose of H.R. 9346, as amended, is to provide for the conveyance, without cost, of a 1-acre tract of land, containing the remains of the ancestors of the Twentynine Palms Band of Indians, to the Twentynine Palms Park and Recreation District.

H.R. 9346 was introduced by Mr. Pettis.

NEED

This 1-acre parcel of land was acquired by the United States in 1911, under authority of the act of January 12, 1891 (26 Stat. 712), as a cemetery site for the Indians of the Twentynine Palms Band. It was purchased by warranty deed from the Southern Pacific Railroad Co. for the sum of \$5.

The tract contains the remains of the ancestors of the Twentynine Palms members having Chemehuevi Blood. The gravesites are un-

marked and the tract has not been used for burial purposes for many years. It is presently unused land and is considered excess to the needs of the band and the Federal Government. Recently the land has been used primarily as a dump. As the Twentynine Palms Band of Mission Indians do not live in the area, there is no practical way for them to maintain the site. The band is, therefore, in favor of having the site conveyed to the Park and Recreation District.

The Twentynine Palms Park and Recreation District has agreed to assume the responsibility for the maintenance of the cemetery site and once the conveyance is made, it plans to maintain and improve the site and also to use part of it as an Indian museum to preserve Indian artifacts and various aspects of Indian culture.

The appraised value of the cemetery site is approximately \$500.

COMMITTEE AMENDMENTS

In considering the proposal, it was the opinion of the committee that safeguards should be provided to assure that the land would not be used for commercial purposes or any other nonconforming use. For this reason a new section 2 was approved which provides for the reversion of the land to the United States if it is used for purposes other than an Indian cemetery and a historical museum site.

COST

There are no Federal costs involved in the enactment of H.R. 9346, as amended.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, on the basis of a unanimous voice vote, recommends that H.R. 9346, as amended, be enacted.

EXECUTIVE COMMUNICATION

The executive communication from the Department of the Interior follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 10, 1971.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill "to convey certain federally owned land to the Twentynine Palms Park and Recreation District."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides for the conveyance of 1 acre, more or less, to the Twentynine Palms Park and Recreation District. This parcel was originally set aside as a cemetery for Indians of the Twentynine Palms Band.

In 1911, under the authority of the act of January 12, 1891 (26 Stat. 712), the United States purchased the property by warranty deed from

the Southern Pacific Railroad Co. The deed showed \$5 as the purchase price, but the source of funds used to pay this sum is not known.

The cemetery contains remains of the ancestors of the Twentynine Palms members having Chemehuevi blood; however, there are no markers, mounds, or depressions. There have been no burials in recent years nor are any members of the Twentynine Palms Band buried there. It is presently unused land and is considered excess to the needs of the band and the U.S. Government. Furthermore, the band is most anxious that the cemetery character of the property be preserved.

The Twentynine Palms Band of Mission Indians does not live in the area, nor does it have the means to maintain the cemetery plot; therefore, the band is in favor of having the cemetery conveyed to the Twentynine Palms Park and Recreation District. This district is a political subdivision of the local government and has agreed to assume the responsibility for this cemetery. After the plot is conveyed to the Twentynine Palms Park and Recreation District, it plans to remove a stone house from private land and reconstruct the building on this site to be used as an Indian museum to preserve Indian artifacts. The site itself would be of historical interest to the general public and would be carefully preserved.

The appraised value of the cemetery site is \$500. Even though the district is not in a position to expend any funds to purchase the site, it will beautify the property and preserve its historical significance if the land is conveyed to it.

Consideration has been given to turning the parcel over to General Services Administration for disposal, but this is not feasible in view of the Indians' firm desire to have this sacred burial ground of their ancestors protected from any adverse use. Therefore, in order to respect the wishes of the band and to protect this cemetery site with its historical significance, we strongly urge that this legislation be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

Enclosure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title and interest of the United States in and to the following described land are hereby conveyed to the Twentynine Palms Park and Recreation District:

Commencing at a point on the west line of section 33, township 1 north, range 9 east, San Bernardino base and meridian, California, 139.5 feet north of the southwest corner of the northwest quarter of said section, thence north along west line of said section 208.71 feet, thence east parallel with the south line of said section 208.71 feet, thence south parallel with the west line of said section 208.71 feet; thence west parallel with the south line of said section 208.71 feet to the point of beginning, containing one acre, more or less.

